

## REMARKS

Applicant is appreciative of the diligent consideration the Examiner has given to the present application. The Examiner's comments in the Advisory Action have clarified the issues with respect to independent claim 1.

Applicant proposes to cancel the withdrawn claims 20 and 22 through 33. As discussed below, the proposed amendment to claim 1 is meant to alleviate apparent confusion with respect to the terms "housing" and "reservoir." The amendment relates to a point that has been thoroughly considered by the Examiner, and does not require an additional search or further work by the Examiner. Applicant respectfully requests entry of the amendment.

In the Amendment of September 23, 2008, Applicant argued that independent claim 1 calls for a housing that defines an internal liquid reservoir, and that such structure was missing from Sayers '861. Referring to Figs. 1 and 2 of the present application, the housing 14 defines the internal liquid reservoir in which the liquid is contained. As set forth on page 2, line 30, through page 3, line 1, the liquid reservoir is not a separate component from the housing, such as a cartridge or the like, that is inserted into the dispenser housing, which is precisely the type of structure illustrated and described in Sayers '861. The distinguishing point is that ***the housing is the reservoir***. The reservoir ***is not a separate component that is inserted into the reservoir***.

In the Advisory Action, the Examiner stated:

...with respect to the Applicant's arguments that the reference of Sayers et al. does not show the claimed limitation "a housing defining an internal liquid reservoir." The examiner disagrees with applicant's argument because the

reference of Sayers et al. specifically shows a housing (102) that defines an internal liquid reservoir (110).

It seems from this statement that the Examiner has interpreted the limitation of “a housing defining an internal liquid reservoir” so broad as to encompass the housing structure 102 of Sayers '861 and the separate bag 110 that is seated within the housing. Applicant respectfully submits that the term “reservoir” is properly interpreted in view of the present written description, figures, and common understanding in the art to define the structure in which liquid is contained, and that such structure in Sayers'861 is the bag 110. At most, Sayers '861 discloses a reservoir 110, and a separate housing 102 in which the reservoir is seated.

However, in order to alleviate any possible confusion on the issue, Applicant proposes to amend claim 1 (set forth above) as follows:

a sealed liquid reservoir in which viscous liquid is contained, said reservoir formed as a housing ~~defining an internal liquid reservoir~~, said housing including a front surface having an opening therethrough adjacent a bottom surface of said reservoir;

With this amendment, the sealed liquid reservoir in which viscous liquid is contained is positively claimed as being formed by a housing that has a front surface with an opening therethrough adjacent a bottom surface of the reservoir. The housing structure 102 of Sayers '861 cannot possibly satisfy this limitation. The only structure in Sayers '861 in which liquid is contained and that includes an opening adjacent the bottom surface thereof is the bag 110.

With the correct interpretation of “housing” and “reservoir”, the further distinguishing limitations of claim 1 are readily apparent. For example, claim 1 calls for a mounting assembly that is configured for mounting on a supporting wall structure.

The housing (i.e., the sealed reservoir) is completely removable and replaceable with respect to the mounting assembly, and the front surface of the housing defines the front visible surface of the dispenser when the housing is attached to the mounting assembly. Applicant acknowledges that Sayers '861 includes a mounting assembly 104, and that the bag 110 is removable from the assembly 104. However, the bag 110 is not a component of the housing 102 that defines the front visible surface of the operational dispenser of Sayers '861. The front visible surface of the Sayers' 861 dispenser is the pivotally mounted front cover 106 that is closed relative to the mounting plate 104 after insertion of the bag 110. The dispenser will not operate unless the cover 106 is closed.

In the Advisory Action, the Examiner also stated: "Applicant argues that the reference does not show an actuator. As seen in Figures 1, 4, 6, 11B, and 12, elements (150,364) being used as an actuator to activate the pump mechanism." Respectfully, Applicant acknowledged that Sayers '861 includes the actuator 150. The distinction, however, is that the actuator 150 does not satisfy the additional limitations set forth in claim 1 calling for the actuator to have a ***member slidable in a horizontal path to engage and move the dispensing pump mechanism to a dispensing position***. The Examiner referred to Figs. 4 and 8 of Sayer '861 and identified the actuator 150 that engages with the pump mechanism 114 as satisfying the claim limitations. Applicant respectfully emphasizes that Figs. 4 and 8 are "schematic drawings" and simply illustrate the pump actuator 150 as a rectangle. A schematic "rectangle" is not a disclosure of a member slidable in a horizontal path to engage and move the dispensing pump mechanism. The only description in the specification of the actuator 150 is set forth at column 6, lines 31 through 36, as follows:

The pump actuator 150, when the front cover is closed, comes in contact with the pump mechanism 114 which then dispenses a measured quantity of fluid. Collectively, the foregoing components may be referred to as the operational mechanism.

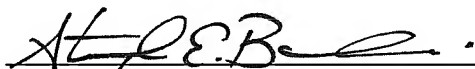
There is clearly no disclosure that the actuator 150 is a member slidable in a horizontal path. Applicant respectfully submits that it is only through hindsight analysis that one skilled in the art would interpret the schematic drawing of Figs. 4 and 8, and the limited description thereof, as disclosing the claimed configuration set forth in independent claim 1.

Accordingly, applicant respectfully submits that independent claim 1 patentably distinguishes over Sayers '861, and is allowable. Claims 2 through 19 depend from claim 1 and are thus also allowable. Although having a "withdrawn from consideration status", claims 12-16 depend from generic claim 1 and are thus proper for allowance.

With the present Amendment, applicant submits that all of the pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

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